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EXAMINER

AKLILU, KIRUBEL

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/873,785

Applicant(s)

KANOJIA ET AL.

Examiner

Kirubel Aklilu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1;2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 8 is objected to because of the following informalities: "electron program" should be changed to read "electronic program". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-30, 33, 35-63 and 66 are rejected under 35 U.S.C. 102(e) as being anticipated by Alexander et al (U.S. Patent # 6,177,931).

2. As for **Claim 1**, Alexander et al. teach a system for displaying promotions on a viewing device coupled with a network device (see Fig. 1 unit 10, col. 3 lines 1-7 "In FIG. 1 of the drawing, one embodiment of the EPG with Ad Window and Advertising Messages is shown. In FIG.1, a television screen display 10 is shown. Display 10 could be generated by a conventional television receiver with interlaced scan lines, by a VCR, by a PC monitor, or by another type of video display device"), comprising:

a display which is viewable by a viewer using the viewing device (see Fig. 1 unit 10, col. 3 lines 1-7 "In FIG.1, a television screen display 10 is shown. Display 10 could be generated by a conventional television receiver with interlaced scan lines, by a VCR, by a PC monitor, or by another type of video display device"); and

a selector which is triggerable, wherein upon being triggered the selector causes a promotion to be shown on the display (see col. 32 lines 24-54 "The EPG and the Profile Program use Viewer Profile information to tailor the presentation and scheduling of advertisements to the viewer and to customize the presentation of the EPG for the user . . . In one embodiment, the customized messages can be preloaded by zip code into the memories of particular viewers' EPG's. The preloaded messages can be transmitted by a head end during off hours and stored in the viewer's terminal for use when the advertisement runs, e.g., during a television program or in a video clip in the Ad Window. The **electronic trigger** to run the message can be transmitted along with the television signal in real time and can identify the messages stored in the user terminal that need to be applied." The Electronic Program Guide system is interpreted to be a selector that selects various advertisements, channels when triggered by the viewer profile and viewer action.).

3. As for **Claim 2**, Alexander et al. teach the promotion is stored locally on the network device (see col. 33 lines 44-47 "In one embodiment of this invention, a data base of advertising messages and virtual channel ads is **stored in RAM at the viewer terminal** or is accessible at a web site if the viewer terminal has an Internet connection.").

4. As for **Claim 3**, Alexander et al. teach the promotion is stored in a network stream (see col. 33 lines 44-47 “In one embodiment of this invention, a data base of advertising messages and virtual channel ads is stored in RAM at the viewer terminal or is **accessible at a web site if the viewer terminal has an Internet connection.**” When the advertisement message is accessible from a web site, it is interpreted that the promotions are stored in a network stream).

5. As for **Claim 4**, Alexander et al. teach the promotion is viewed in a dedicated channel (see col. 4 lines 34-43 “Typically, an ad for a product or service is displayed in window 16. This ad is linked to more information about the product or service in RAM so the viewer can read one or more pages about the product or service in window 16 by pressing an "info" key 40 one or more times. Alternatively, this ad is linked to the time and **channel in RAM that an infomercial about the product or service will be telecast** so the viewer can watch or record the infomercial automatically by pressing "select" key 42.” The channel where the infomercial is telecast is interpreted to be a dedicated channel where the promotion (Infomercial) airs.)

6. As for **Claim 5**, Alexander et al. teach the promotion is viewed in a virtual channel (see col. 17 lines 39-47 “the EPG provides the viewer the opportunity to select Virtual Channel Ad Slots or Ad Window displays that advertise future-scheduled television programs and get additional information in the way of text or video clips.”).

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7. As for **Claim 6**, Alexander et al. teach the promotion is located using a local moniker (see col. 32 line 61 – col. 33 line 8 “In another embodiment, a service monitors telecasts for advertisements as they are telecast on a **particular channel** and inserts a change channel command in the Vertical Blanking Interval (the "VBI") when an ad is telecast, said change channel command causing the television to tune to a **particular channel** for a telecast of an advertisement suitable to the Viewer's Preferences.”. The names of the channels (such as ABC, NBC, FOX, ESPN etc) are local monikers. Since the advertisements are telecast on particular channels, the names of these particular channels are interpreted to be local monikers that are used to locate the promotion to be displayed.)

8. As for **Claim 7**, Alexander et al. teach the display is an electronic program guide (see Fig. 1 unit 22 Electronic Program Guide, see col. 3 lines 1-19 “In FIG. 1 of the drawing, one embodiment of the EPG with Ad Window and Advertising Messages is shown.”).

9. As for **Claim 8**, Alexander et al. teach the electronic program guide is a full-screen guide (see col. 7 lines 19-30 “In the EPG Grid Guide Mode, the EPG displays the Grid Guide, or in the alternative, a Channel Guide. **The viewer can request that the Grid Guide occupy the entire screen**, be displayed over a portion of the screen as an overlay of the video television programming”).

10. As for **Claim 9**, Alexander et al. teach the electronic program guide is a partial-screen guide (see Fig. 1 unit 22 Electronic Program Guide, see col. 7 lines 19-30 “In the EPG Grid

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Guide Mode, the EPG displays the Grid Guide, or in the alternative, a Channel Guide. The viewer can request that the Grid Guide occupy the entire screen, **be displayed over a portion of the screen** as an overlay of the video television programming”).

11. As for **Claim 10**, Alexander et al. teach the promotion appears in the electronic program guide (see Fig. 1 unit 14,16 Ad Window 1 and 2, see col. 3 lines 1-19 “In FIG. 1 of the drawing, one embodiment of the EPG with Ad Window and Advertising Messages is shown.” And col. 4 lines 28-36 “Typically, an ad for a future telecast program is displayed in window 14. . . . Typically, an ad for a product or service is displayed in window 16.”).

12. As for **Claim 11**, Alexander et al. teach the promotion is displayed as a banner (see col. 24 lines 42-55 “Ads may feature, among other things, a graphics field, a text field or a combination of a graphics and text field. Graphics are typically presented in 8 bit/pixel (using “320 mode”), 4 bit/pixel (in “640 mode”) and 1-bit/pixel images . . . The remaining portion of the Channel ad will typically be text only” When the Ads are presented with graphics and text only, the ads are interpreted to be displayed as banners.)

13. As for **Claim 12**, Alexander et al. teach the promotion is displayed as a hot spot (see col. 4 lines 28-33 “Typically, an ad for a future telecast program is displayed in window 14. This ad is linked to the time and channel of the program in RAM so the viewer can watch or record the program automatically by pressing the blue left action button to watch the program, or the green

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right action button to record the program.” Since the Ad is linked to more information the user can access by pressing a button, the Ad window is interpreted to be a hot spot).

14. As for **Claim 13**, Alexander et al. teach the promotion is displayed as a full motion stream (see col. 4 lines 35-43 “Typically, an ad for a product or service is displayed in window 16. This ad is linked to more information about the product or service in RAM so the viewer can read one or more pages about the product or service in window 16 by pressing an "info" key 40 one or more times. Alternatively, this ad is linked to the time and channel in RAM that an **infomercial about the product or service will be telecast so the viewer can watch or record** the infomercial automatically by pressing "select" key 42.” When the viewer watches a channel that is showing an infomercial about the product or service, it is interpreted that the infomercial is a promotion that is displayed as a full motion stream.).

15. As for **Claim 14**, Alexander et al. teach the promotion is displayed on a personal video recorder (see Fig. 1 unit 46 Record, and col. 7 line 58 - col. 8 line 3 “In the Record Selection Function, also referred to as the Recording Function, the viewer instructs the EPG what programs to add to the Record List, which is the list of programs and related programming schedule information, for programs that the viewer want to have recorded. As is further described below, the viewer can identify the frequency/regularity with which the viewer wants to record each program listed in the Record List.” Since the EPG system can be instructed to record upcoming shows, it is interpreted that the system is a personal video recorder where promotions are displayed.)

16. As for **Claim 15**, Alexander et al. teach the promotion is selectable to facilitate interactions between the viewer and the promotion (see col. 4 lines 28-33 “Typically, an ad for a future telecast program is displayed in window 14. This ad is linked to the time and channel of the program in RAM so the viewer can watch or record the program automatically by pressing the blue left action button to watch the program, or the green right action button to record the program.”).

17. As for **Claim 16**, Alexander et al. teach the promotion is displayed over the entire viewable area of the display (see col. 24 lines 21-29 “When the viewer first enters the EPG, the EPG can display a **full screen ad**, such as an ad that would be displayed in the Ad Window.”).

18. As for **Claim 17**, Alexander et al. teach the promotion is displayed over a portion of the viewable area of the display (see Fig. 1 unit 14,16 Ad Window 1 and 2, see col. 3 lines 1-19 “In FIG. 1 of the drawing, one embodiment of the EPG with Ad Window and Advertising Messages is shown.” And col. 4 lines 28-36 “Typically, an ad for a future telecast program is displayed in window 14. . . . Typically, an ad for a product or service is displayed in window 16.”).

19. As for **Claim 18**, Alexander et al. teach multiple promotions are displayed, each promotion being independently selectable to facilitate interactions between the viewer and the selected promotion (see Fig. 1 unit 14,16 Ad Window 1 and 2, see col. 3 lines 1-19 “In FIG. 1 of the drawing, one embodiment of the EPG with Ad Window and Advertising Messages is

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shown.” And col. 4 lines 28-43 “Typically, an ad for a future telecast program is displayed in window 14. This ad is linked to the time and channel of the program in RAM so the viewer can watch or record the program automatically by pressing the blue left action button to watch the program, or the green right action button to record the program. Typically, an ad for a product or service is displayed in window 16. This ad is linked to more information about the product or service in RAM so the viewer can read one or more pages about the product or service in window 16 by pressing an "info" key 40 one or more times. Alternatively, this ad is linked to the time and channel in RAM that an infomercial about the product or service will be telecast so the viewer can watch or record the infomercial automatically by pressing "select" key 42.”).

20. As for **Claim 19**, Alexander et al. teach the promotions are displayed over the entire viewable area of the display (see col. 24 lines 21-29 “When the viewer first enters the EPG, the EPG can display a full screen ad, such as an ad that would be displayed in the Ad Window. The viewer can interact with the full screen ad in the same manner in which the viewer can interact with the Ad Window. That is, the viewer can instruct the EPG to record, or to add to the watch list, the infomercial or program, if there is one that is associated with the advertisement.”)

21. As for **Claim 20**, Alexander et al. teach the promotions are displayed over a portion of the viewable area of the display (see Fig. 1 unit 14,16 Ad Window 1 and 2, see col. 3 lines 1-19 “In FIG. 1 of the drawing, one embodiment of the EPG with Ad Window and Advertising Messages is shown.” And col. 4 lines 28-36 “Typically, an ad for a future telecast program is

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displayed in window 14 . . . Typically, an ad for a product or service is displayed in window 16.”).

22. As for **Claim 21**, Alexander et al. teach the selector is triggered by the interaction of the viewer with the network device (see col. 4 lines 34-43 “Typically, an ad for a product or service is displayed in window 16. This ad is linked to more information about the product or service in RAM so the viewer can read one or more pages about the product or service in window 16 by pressing an "info" key 40 one or more times. Alternatively, this ad is linked to the time and channel in RAM that an infomercial about the product or service will be telecast so the viewer can watch or record the infomercial automatically by pressing "select" key 42”).

23. As for **Claim 22**, Alexander et al. teach when the viewer accepts the promotion, the channel to which the network device is tuned to changes (see col. 4 lines 34-43 “Typically, an ad for a product or service is displayed in window 16. This ad is linked to more information about the product or service in RAM so the viewer can read one or more pages about the product or service in window 16 by pressing an "info" key 40 one or more times. Alternatively, **this ad is linked to the time and channel in RAM that an infomercial about the product or service will be telecast so the viewer can watch or record the infomercial** automatically by pressing "select" key 42”).)

24. As for **Claim 23**, Alexander et al. teach the selector is triggered by a program the viewer is watching (see col. 4 lines 34-43 “Typically, an ad for a product or service is displayed in

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window 16. **This ad is linked to more information about the product or service in RAM** so the viewer can read one or more pages about the product or service in window 16 by pressing an "info" key 40 one or more times. Alternatively, this ad is linked to the time and channel in RAM that an infomercial about the product or service will be telecast so the viewer can watch or record the infomercial automatically by pressing "select" key 42". It is interpreted that the program the viewer is watching is the Ad displayed on window 16, and the link to the ad that viewer is watching triggers the selector (EPG system) to telecast or record the infomercial.)

25. As for **Claim 24**, Alexander et al. teach the selector is triggered by a program schedule (see col. 9 line 65 – col. 10 line 12 "The EPG provides the viewer with the opportunity to select program titles, scheduled for delivery at future times, to watch. By selecting program titles, the viewer builds a "watch list." Watch list options and instructions provide functionality parallel to the EPG's Record Function. Instead of automatically recording the programs selected, the Watch Function automatically turns the television on, if it is not already on, and automatically tunes the television to the channel scheduled to deliver the designated program, if the television is not already tuned to that channel." The Watch List the user creates is interpreted to be a program schedule that triggers the EPG system to turn the television on if it is not on, and tune to the appropriate channel.)

26. As for **Claim 25**, Alexander et al. teach the selector is triggered by past promotion acceptance of the viewer (see col. 28 lines 11-45 "Every time the viewer interacts with the EPG or the television, the EPG records the viewer's actions and the circumstances surrounding those

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actions. For instance, when the viewer changes channels, the EPG records, among other things, information about the first channel, the changed-to channel, the time that the change was made, the identification of the programming that was displayed on the first channel, the identification of the programming that was displayed on the changed-to channel, the time of the change, **the identification of any advertisement that was displayed on the first channel at the time of the change, the identification of any advertisement that was displayed on the changed-to channel**” The data collected on the viewer’s interaction (such as the advertisement that was displayed when a viewer changed the channel) is used to form a viewer profile, which is in turn used to present targeted promotion to the user (see col. 32 lines 24-27 “The EPG and the Profile Program use Viewer Profile information to tailor the presentation and scheduling of advertisements to the viewer and to customize the presentation of the EPG for the user.”).

27. As for **Claim 26**, Alexander et al. teach the selector is triggered by a location that the promotion appears within the display (see col. 4 lines 35-43 “Typically, an ad for a product or service is displayed in window 16. This ad is linked to more information about the product or service in RAM so the viewer can read one or more pages about the product or service in window 16 by pressing an "info" key 40 one or more times. Alternatively, this ad is linked to the time and channel in RAM that an infomercial about the product or service will be telecast so the viewer can watch or record the infomercial automatically by pressing "select" key 42.”). It is interpreted that the location of the Ad in Ad Window 2 triggers the EPG to cause a promotion (Infomercial) to be shown on the display because if the ad was not in location of Ad Window 2 (16), an Infomercial about the product would not be shown.

28. As for **Claim 27**, Alexander et al. teach the promotions are selected based on a viewership profile of the network device (see col. 32 lines 24-27 “The EPG and the Profile Program use Viewer Profile information to tailor the presentation and scheduling of advertisements to the viewer and to customize the presentation of the EPG for the user.”).

29. As for **Claim 28**, Alexander et al. teach the promotions are selected based on the demographics of the viewer (see col. 32 lines 35-55 “One example is customizing an overlay message to an advertisement on a local geographic basis. For instance, the EPG knows the geographic location of the individual viewer. The broadcaster can packet match on the zip code to customize the message so each zip code gets a different message, i.e., the 3 Burger Kings in the viewer's local area.” The geographical area a viewer is located is interpreted to be demographics of the viewer).

30. As for **Claim 29**, Alexander et al. teach a channel to which the network device is tuned triggers the selector (see col. 32 line 61 – col. 33 line 8 “In another embodiment, a service monitors telecasts for advertisements as they are telecast on a particular channel and inserts a change channel command in the Vertical Blanking Interval (the “VBI”) when an ad is telecast, said changed channel command causing the television to tune to a particular channel for a telecast of an advertisement suitable to the Viewer's Preferences.”).

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31. As for **Claim 30**, Alexander et al. teach the trigger is embedded in a broadcast stream (see col. 32 line 61 – col. 33 line 8 “In another embodiment, a service monitors telecasts for advertisements as they are telecast on a particular channel and inserts a change channel command in the Vertical Blanking Interval (the "VBI") when an ad is telecast, said change channel command causing the television to tune to a particular channel for a telecast of an advertisement suitable to the Viewer's Preferences.”. The change channel command in the VBI is the trigger and it is embedded in a broadcast stream.)

32. As for **Claim 33**, Alexander et al. teach the trigger is embedded in a VBI stream (see col. 32 line 61 – col. 33 line 8 “In another embodiment, a service monitors telecasts for advertisements as they are telecast on a particular channel and inserts a change channel command in the Vertical Blanking Interval (the "VBI") when an ad is telecast, said change channel command causing the television to tune to a particular channel for a telecast of an advertisement suitable to the Viewer's Preferences.”).

33. As for **Claim 35**, Alexander et al. teach a method for displaying targeted promotions (see Abstract “utilization of viewer profile information to provide customized presentation of advertising to the viewer”) on a viewing device associated with a network device (see Fig. 1 unit 10, col. 3 lines 1-7 “In FIG. 1 of the drawing, one embodiment of the EPG with Ad Window and Advertising Messages is shown. In FIG.1, a television screen display 10 is shown. Display 10 could be generated by a conventional television receiver with interlaced scan lines, by a VCR, by a PC monitor, or by another type of video display device”), comprising the steps of:

selecting promotions to show on the viewing device (see col. 4 lines 34-43

“Typically, an ad for a product or service is displayed in window 16. This ad is linked to more information about the product or service in RAM so the viewer can read one or more pages about the product or service in window 16 by pressing an "info" key 40 one or more times. Alternatively, this ad is linked to the time and channel in RAM that an infomercial about the product or service will be telecast so the viewer can watch or record the infomercial automatically by pressing "select" key 42.”); and

displaying the promotions on the viewing device while a viewer is using the network device (see Col .4 lines 34-43 “Typically, an ad for a product or service is displayed in window 16. This ad is linked to more information about the product or service in RAM so the viewer can read one or more pages about the product or service in window 16 by pressing an "info" key 40 one or more times. Alternatively, this ad is linked to the time and channel in RAM that an infomercial about the product or service will be telecast so the viewer can watch or record the infomercial automatically by pressing "select" key 42.”).

34. As for **Claim 36**, Alexander et al. teach the step of storing the promotion locally on the network device (see col. 33 lines 44-47 “In one embodiment of this invention, a data base of advertising messages and virtual channel ads is **stored in RAM at the viewer terminal** or is accessible at a web site if the viewer terminal has an Internet connection.”)

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35. As for **Claim 37**, Alexander et al. teach the promotion is stored in a network stream (see col. 33 lines 44-47 "In one embodiment of this invention, a data base of advertising messages and virtual channel ads is stored in RAM at the viewer terminal or is **accessible at a web site if the viewer terminal has an Internet connection.**" When the advertisement message is accessible from a web site, it is interpreted that the promotions are stored in a network stream).

36. As for **Claim 38**, Alexander et al. teach the step of displaying includes displaying the promotion in a dedicated channel (see col. 4 lines 34-43 "Typically, an ad for a product or service is displayed in window 16. This ad is linked to more information about the product or service in RAM so the viewer can read one or more pages about the product or service in window 16 by pressing an "info" key 40 one or more times. Alternatively, this ad is linked to the time and channel in RAM that an infomercial about the product or service will be telecast so the viewer can watch or record the infomercial automatically by pressing "select" key 42." The channel where the infomercial is telecast is interpreted to be a dedicated channel where the promotion (Infomercial) airs.).

37. As for **Claim 39**, Alexander et al. teach the step of displaying includes displaying the promotion in a virtual channel (see col. 17 lines 39-47 "the EPG provides the viewer the opportunity to select Virtual Channel Ad Slots or Ad Window displays that advertise future-scheduled television programs and get additional information in the way of text or video clips.").

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38. As for **Claim 40**, Alexander et al. teach the promotion is identified as a local moniker (see col. 32 line 61 – col. 33 line 8 “In another embodiment, a service monitors telecasts for advertisements as they are telecast on **a particular channel** and inserts a change channel command in the Vertical Blanking Interval (the "VBI") when an ad is telecast, said change channel command causing the television to tune **to a particular channel** for a telecast of an advertisement suitable to the Viewer's Preferences.”. The names of the channels (such as ABC, NBC, FOX, ESPN etc) are local monikers. Since the advertisements are telecast on particular channels, the names of these particular channels are interpreted to be local monikers that are used to identify the promotion).

39. As for **Claim 41**, Alexander et al. teach the step of displaying includes displaying the promotion in an electronic program guide (see Fig. 1 unit 22 Electronic Program Guide, see col. 3 lines 1-19 “In FIG. 1 of the drawing, one embodiment of the EPG with Ad Window and Advertising Messages is shown.” And see Col .4 lines 34-43 “Typically, an ad for a product or service is displayed in window 16. This ad is linked to more information about the product or service in RAM so the viewer can read one or more pages about the product or service in window 16 by pressing an "info" key 40 one or more times. Alternatively, this ad is linked to the time and channel in RAM that an infomercial about the product or service will be telecast so the viewer can watch or record the infomercial automatically by pressing "select" key 42.”).

40. As for **Claim 42**, Alexander et al. teach the step of displaying includes displaying the promotion in a full screen electronic program guide (see col. 7 lines 19-30 “In the EPG Grid

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Guide Mode, the EPG displays the Grid Guide, or in the alternative, a Channel Guide. **The viewer can request that the Grid Guide occupy the entire screen**, be displayed over a portion of the screen as an overlay of the video television programming”).

41. As for **Claim 43**, Alexander et al. teach the step of displaying includes displaying in a partial screen electronic program guide (see Fig. 1 unit 22 Electronic Program Guide, see col. 7 lines 19-30 “In the EPG Grid Guide Mode, the EPG displays the Grid Guide, or in the alternative, a Channel Guide. The viewer can request that the Grid Guide occupy the entire screen, **be displayed over a portion of the screen** as an overlay of the video television programming”).

42. As for **Claim 44**, Alexander et al. teach the step of displaying includes displaying the promotion as a banner (see col. 24 lines 42-55 “Ads may feature, among other things, a graphics field, a text field or a combination of a graphics and text field. Graphics are typically presented in 8 bit/pixel (using "320 mode"), 4 bit/pixel (in "640 mode") and 1-bit/pixel images . . . The remaining portion of the Channel ad will typically be text only” When the Ads are presented with graphics and text only, the ads are interpreted to be displayed as banners.).

43. As for **Claim 45**, Alexander et al. teach the step of displaying includes displaying the promotion as a hot spot (see col. 4 lines 28-33 “Typically, an ad for a future telecast program is displayed in window 14. This ad is linked to the time and channel of the program in RAM so the viewer can watch or record the program automatically by pressing the blue left action button to

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watch the program, or the green right action button to record the program.” Since the Ad is linked to more information the user can access by pressing a button, the Ad window is interpreted to be a hot spot).

44. As for **Claim 46**, Alexander et al. teach the step of displaying includes displaying the promotion as a full motion stream (see col. 4 lines 35-43 “Typically, an ad for a product or service is displayed in window 16. This ad is linked to more information about the product or service in RAM so the viewer can read one or more pages about the product or service in window 16 by pressing an "info" key 40 one or more times. Alternatively, this ad is linked to the time and channel in RAM that an **infomercial about the product or service will be telecast so the viewer can watch or record** the infomercial automatically by pressing "select" key 42.” When the viewer watches a channel that is showing an infomercial about the product or service, it is interpreted that the infomercial is a promotion that is displayed as a full motion stream.).

45. As for **Claim 47**, Alexander et al. teach the step of displaying includes displaying the promotion in a personal video recorder (see Fig. 1 unit 46 Record, and col. 7 line 58 - col. 8 line 3 “In the Record Selection Function, also referred to as the Recording Function, the viewer instructs the EPG what programs to add to the Record List, which is the list of programs and related programming schedule information, for programs that the viewer want to have recorded. As is further described below, the viewer can identify the frequency/regularity with which the viewer wants to record each program listed in the Record List.” Since the EPG system can be

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instructed to record upcoming shows, it is interpreted that the system is a personal video recorder where promotions are displayed.).

46. As for **Claim 48**, Alexander et al. teach the step of displaying enables the viewer to interact with the promotion (see col. 4 lines 28-33 “Typically, an ad for a future telecast program is displayed in window 14. This ad is linked to the time and channel of the program in RAM so the viewer can watch or record the program automatically by pressing the blue left action button to watch the program, or the green right action button to record the program.”).

47. As for **Claim 49**, Alexander et al. teach the step of displaying includes displaying the promotion over an entire viewable area of the display (see col. 24 lines 21-29 “When the viewer first enters the EPG, the EPG can display a **full screen ad**, such as an ad that would be displayed in the Ad Window.”).

48. As for **Claim 50**, Alexander et al. teach the step of displaying includes displaying the promotion over a portion of the viewable area of the display (see Fig. 1 unit 14,16 Ad Window 1 and 2, see col. 3 lines 1-19 “In FIG. 1 of the drawing, one embodiment of the EPG with Ad Window and Advertising Messages is shown.” And col. 4 lines 28-36 “Typically, an ad for a future telecast program is displayed in window 14. . . . Typically, an ad for a product or service is displayed in window 16.”).

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49. As for **Claim 51**, Alexander et al. teach the step of displaying includes displaying multiple promotions so that the viewer is able to interact with each promotion (see Fig. 1 unit 14,16 Ad Window 1 and 2, see col. 3 lines 1-19 “In FIG. 1 of the drawing, one embodiment of the EPG with Ad Window and Advertising Messages is shown.” And col. 4 lines 28-43 “Typically, an ad for a future telecast program is displayed in window 14. This ad is linked to the time and channel of the program in RAM so the viewer can watch or record the program automatically by pressing the blue left action button to watch the program, or the green right action button to record the program. Typically, an ad for a product or service is displayed in window 16. This ad is linked to more information about the product or service in RAM so the viewer can read one or more pages about the product or service in window 16 by pressing an “info” key 40 one or more times. Alternatively, this ad is linked to the time and channel in RAM that an infomercial about the product or service will be telecast so the viewer can watch or record the infomercial automatically by pressing “select” key 42.”).

50. As for **Claim 52**, Alexander et al. teach the step of displaying includes displaying the promotions over the entire viewable area of the display (see col. 24 lines 21-29 “When the viewer first enters the EPG, the EPG can display a full screen ad, such as an ad that would be displayed in the Ad Window. The viewer can interact with the full screen ad in the same manner in which the viewer can interact with the Ad Window. That is, the viewer can instruct the EPG to record, or to add to the watch list, the infomercial or program, if there is one that is associated with the advertisement.”).

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51. As for **Claim 53**, Alexander et al. teach the step of displaying includes displaying the promotions over a portion of the viewable area of the display (see Fig. 1 unit 14, 16 Ad Window 1 and 2, see col. 3 lines 1-19 "In FIG. 1 of the drawing, one embodiment of the EPG with Ad Window and Advertising Messages is shown." And col. 4 lines 28-36 "Typically, an ad for a future telecast program is displayed in window 14 . . . Typically, an ad for a product or service is displayed in window 16.").

52. As for **Claim 54**, Alexander et al. teach the step of selecting is based on the interaction of a viewer with the network device (see col. 4 lines 34-43 "Typically, an ad for a product or service is displayed in window 16. This ad is linked to more information about the product or service in RAM so the viewer can read one or more pages about the product or service in window 16 by pressing an "info" key 40 one or more times. Alternatively, this ad is linked to the time and channel in RAM that an infomercial about the product or service will be telecast so the viewer can watch or record the infomercial automatically by pressing "select" key 42").

53. As for **Claim 55**, Alexander et al. teach the step of changing away from a channel the network device is tuned when the viewer accepts the promotion (see col. 4 lines 34-43 "Typically, an ad for a product or service is displayed in window 16. This ad is linked to more information about the product or service in RAM so the viewer can read one or more pages about the product or service in window 16 by pressing an "info" key 40 one or more times. Alternatively, this ad is linked to the time and channel in RAM that an infomercial about

the product or service will be telecast so the viewer can watch or record the infomercial automatically by pressing "select" key 42").

54. As for **Claim 56**, Alexander et al. teach the step of selecting is based on a program the viewer is watching (see col. 4 lines 34-43 "Typically, an ad for a product or service is displayed in window 16. **This ad is linked to more information about the product or service in RAM** so the viewer can read one or more pages about the product or service in window 16 by pressing an "info" key 40 one or more times. Alternatively, this ad is linked to the time and channel in RAM that an infomercial about the product or service will be telecast so the viewer can watch or record the infomercial automatically by pressing "select" key 42". It is interpreted that the program the viewer is watching is the Ad displayed on window 16, and the link to the ad that viewer is watching triggers the selector (EPG system) to telecast of record the infomercial.).

55. As for **Claim 57**, Alexander et al. teach the step of selecting is based on a program schedule (see col. 9 line 65 – col. 10 line 12 "The EPG provides the viewer with the opportunity to select program titles, scheduled for delivery at future times, to watch. By selecting program titles, the viewer builds a "watch list." Watch list options and instructions provide functionality parallel to the EPG's Record Function. Instead of automatically recording the programs selected, the Watch Function automatically turns the television on, if it is not already on, and automatically tunes the television to the channel scheduled to deliver the designated program, if the television is not already tuned to that channel." The Watch List the user creates is interpreted

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to be a program schedule that triggers the EPG system to turn the television on if it is not on, and tune to the appropriate channel.).

56. As for **Claim 58**, Alexander et al. teach the step of selecting is based on past promotion acceptance of a viewer (see col. 28 lines 11-45 “Every time the viewer interacts with the EPG or the television, the EPG records the viewer's actions and the circumstances surrounding those actions. For instance, when the viewer changes channels, the EPG records, among other things, information about the first channel, the changed-to channel, the time that the change was made, the identification of the programming that was displayed on the first channel, the identification of the programming that was displayed on the changed-to channel, the time of the change, **the identification of any advertisement that was displayed on the first channel at the time of the change, the identification of any advertisement that was displayed on the changed-to channel**” The data collected on the viewer's interaction (such as the advertisement that was displayed when a viewer changed the channel) is used to form a viewer profile, which is in turn used to present targeted promotion to the user (see col. 32 lines 24-27 “The EPG and the Profile Program use Viewer Profile information to tailor the presentation and scheduling of advertisements to the viewer and to customize the presentation of the EPG for the user.”).

57. As for **Claim 59**, Alexander et al. teach the step of selecting is triggered by a location that the promotion appears within the display (see col. 4 lines 35-43 “Typically, an ad for a product or service is displayed in window 16. This ad is linked to more information about the product or service in RAM so the viewer can read one or more pages about the product or service

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in window 16 by pressing an "info" key 40 one or more times. Alternatively, this ad is linked to the time and channel in RAM that an infomercial about the product or service will be telecast so the viewer can watch or record the infomercial automatically by pressing "select" key 42.”). It is interpreted that the location of the Ad in Ad Window 2 triggers the EPG to cause a promotion (Infomercial) to be shown on the display because if the ad was not in location of Ad Window 2, an Infomercial about the product would not be shown.)

58. As for **Claim 60**, Alexander et al. teach the step of selecting is based on a viewership profile of the network device (see col. 32 lines 24-27 “The EPG and the Profile Program use Viewer Profile information to tailor the presentation and scheduling of advertisements to the viewer and to customize the presentation of the EPG for the user.”).

59. As for **Claim 61**, Alexander et al. teach the step of selecting is based on the demographics of the viewer (see col. 32 lines 35-55 “One example is customizing an overlay message to an advertisement on a local geographic basis. For instance, the EPG knows the geographic location of the individual viewer. The broadcaster can packet match on the zip code to customize the message so each zip code gets a different message, i.e., the 3 Burger Kings in the viewer's local area.” The geographical area a viewer is located is interpreted to be demographics of the viewer).

60. As for **Claim 62**, Alexander et al. teach the step of selecting is triggered by a channel to which the network device is tuned (see col. 32 line 61 – col. 33 line 8 “In another embodiment, a

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service monitors telecasts for advertisements as they are telecast on a particular channel and inserts a change channel command in the Vertical Blanking Interval (the "VBI") when an ad is telecast, said change channel command causing the television to tune to a particular channel for a telecast of an advertisement suitable to the Viewer's Preferences.").

61. As for **Claim 63**, Alexander et al. teach a trigger is embedded in a broadcast stream (see col. 32 line 61 – col. 33 line 8 "In another embodiment, a service monitors telecasts for advertisements as they are telecast on a particular channel and inserts a change channel command in the Vertical Blanking Interval (the "VBI") when an ad is telecast, said change channel command causing the television to tune to a particular channel for a telecast of an advertisement suitable to the Viewer's Preferences."). The change channel command in the VBI is the trigger and it is embedded in a broadcast stream.).

62. As for **Claim 66**, Alexander et al. teach a trigger is embedded in a VBI stream (see col. 32 line 61 – col. 33 line 8 "In another embodiment, a service monitors telecasts for advertisements as they are telecast on a particular channel and inserts a change channel command in the Vertical Blanking Interval (the "VBI") when an ad is telecast, said change channel command causing the television to tune to a particular channel for a telecast of an advertisement suitable to the Viewer's Preferences.").

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 31, 32, 34, 64, 65, and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (U.S. Patent # 6,177,931) in view of Estipona (U.S. Patent # 6,795,973).

63. As for **Claims 31 and 64**, Alexander et al. do not expressly teach the trigger is embedded in a line 21. However, Estipona teaches an enhanced television recorder and player that uses Transport Type A to insert trigger unit into broadcast streams using VBI Line 21 of the NTSC video signal. See col. 3 lines 45-53 “Transport Type A involves the delivery of triggers along with the audio/visual stream 18. That is, existing Transport Type A transmissions often transmit **triggers on the Vertical Blanking Interval (VBI) Line 21 of the NTSC video signal**. In contrast to Transport Type B transmissions, Transport Type A transmissions do not transmit a resource stream 20 or an announcement stream. Hence, Transport Type A systems usually use two-way Internet connections to fetch resources using http:.” And col. 2 lines 36-48 “an embodiment of the invention may be based on the ATVEF specification, for example, to provide enhanced television information to a viewer or user. Specifically, an embodiment of the invention provides an enhanced television recorder and player, where Transport Type B and

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Transport Type A broadcast data may be recorded (into a cache, for example), and then the Transport Type B data is transformed into a simulated Transport Type A stream. As will be described in further detail below, **this transformation takes advantage of synchronization features present in Transport Type A streams and takes advantage of the fact that many enhanced television receivers are well suited as Transport Type A receivers.**” In light of the teaching of Estipona, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Alexander et al.’s teaching to use VBI Line 21 to insert the trigger. One of ordinary skill in the art would have been motivated to use VBI Line 21 to take advantage of the fact that many enhanced television receivers are well suited as Transport Type A receivers.

64. As for **Claims 32 and 65**, the modified Alexander et al. in view of Estipona teaches the trigger is embedded in a ATVEF stream (see col. 2 lines 36-38 “an embodiment of the invention may be based on the ATVEF specification, for example, to provide enhanced television information to a viewer or user”).

65. As for **Claims 34 and 67**, Alexander et al. do not expressly teach the trigger is embedded in an MPEG stream. However, Estipona teaches using MPEG format for embedding the trigger (see col. 4 lines 55-60 “At the block 40, the trigger inserter unit 26 stores the data into the storage medium 24 using a suitable type of audio/video streaming and storage format. Formats such as RealVide.TM./RealAudio.TM., Flash.TM., QuickTime.TM., Audio Video Interleaved (AVI), Motion Pictures Experts Group (MPEG), DVD, etc. may be used.”). In light of the

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teaching of Estipona, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Alexander et al. to have the trigger be embedded in an MPEG stream. One of ordinary skill in the art at the time the invention was made would have been motivated to use MPEG to embed the trigger in order to take advantage of the compression rate available in the MPEG format.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirubel Aklilu whose telephone number is 571-272-7342. The examiner can normally be reached on 9:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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PRIMARY EXAMINER